Single Bench

(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

W. P. NO. 5073 OF 2004

PETITIONER

Kishan Chand Dhanwani, S/o Jhamatmal Dhanwani, aged about 60 years, R/o Railway Market, Budhwari Bazar, P.S. Torwa, Bilaspur[Chhattisgarh]

VERSUS

RESPONDENTS

1. Superintendent of Police Bilaspur [Chhattisgarh]
2. Station House Officer, Police Station, Torwa, Bilaspur (CG)
3. Dularam, S/o Lalchand,
4. Inder Kumar, S/o Lalchand,

Respondents No. 3 & 4 both R/o C/o Sona Sweets, Railway Market, Budhwari Bazar, P.S. Torwa, Bilaspur[Chhattisgarh]

S0644/04

Presented by Shri ... dated 24.12.04

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN NATURE OF CERTIORARI, MANDAMUS PROHIBITION AND OTHER SUITABLE WRIT OR WRITS, DIRECTION OR DIRECTIONS, ORDER OR ORDERS:

(37)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 5073/ सन् 2004

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	9.2.2005 Shri Manindra Shrivastava, Senior Advocate with Shri Amit Verma, Advocate for the petitioner. Shri Sanjay Shyam Agrawal, Govt. Advocate for the State/ respondents No.1 and 2. Shri Sandeep Dubey, counsel for respondents No.3 and 4. Shri T.P. Singh, Station House Officer, Police Station: Torwa, Bilaspur, is present in person. Heard. The main grievance raised by the petitioner in this writ petition under Article 226 of the Constitution of India is that on 13.7.2004 respondents No.3 and 4, who are brothers and holders of the adjoining plots of the petitioner, acted in a highhanded manner and threatened the petitioner, forcibly entered into and committed criminal trespass on a part of the plot occupied by the petitioner. Putting the petitioner under threat, respondents No.3 and 4 resorted to Goondaism. A report of the incident was made to the Police Station: Torwa, Bilaspur, but the Police have not carried out any investigation whatsoever. Respondents No.3 and 4 are exerting pressure and getting shelter against the illegal and criminal activities. The Investigating Officer is present in the Court and stated that as per his investigation no cognizable offence was made out, therefore,	

(38)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 5073/ सन् 2004

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

the petitioner was directed to approach the Court, as the offence is not cognizable.

Learned Senior Counsel for the petitioner submits that the Police have not properly investigated the matter and they failed in taking timely action, as a result of which the petitioner has been denied justice.

Having heard learned counsel for the parties, I have perused the petition. As the Station House Officer has stated that the investigation is already complete and according to his investigation, the cognizable offence is not made out, however, learned Senior Counsel submits that the matter is not properly investigated and timely action was not taken. In the circumstances, the Superintendent of Police, Bilaspur, to look into the matter personally and take decision in accordance with law.

With the direction aforesaid, the petition stands disposed of.

Certified copy as per Rules.

Sd/-
L.C. Bhadoo
Judge

Soma